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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,857	04/19/2005	Michael John Watchorn	TEBL2	4009
6980 7590 12/28/2007 TROUTMAN SANDERS LLP 600 PEACHTREE STREET, NE ATLANTA, GA 30308			EXAMINER SINGH, SUNIL	
			ART UNIT 3672	PAPER NUMBER
			MAIL DATE 12/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/531,857		WATCHORN, MICHAEL JOHN	
	Examiner		Art Unit	
	Sunil Singh		3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-8 and 10-24 is/are pending in the application.
- 4a) Of the above claim(s) 16-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 4-8 and 10-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Owens (US 4611953)

Owens discloses a structure (see Figures) mountable in a foundation, the structure includes an end part (see Figures), alignment means (56, 50, 46), a leading conical tip (see Figures). The alignment means is configured such that adjustment thereof moves the structure relative to the socket. It should be noted that as member (56,50,46) pushes against the guide surface of the socket, the guide surface pushes back and thus move the structure relative to the socket. The alignment means is considered removable because it is capable of being removed (such as when the structure is removed from the socket or by shearing the pin).

4. Claims 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Glidden (US 4459931)

Glidden discloses a structure (13) mountable in a foundation, the structure includes an end part (see Figures), alignment means (62,63,56), a leading conical tip (13a).

The alignment means is configured such that adjustment thereof moves the structure relative to the socket. It should be noted that as member (62,63,56) pushes against the guide surface of the socket, the guide surface pushes back and thus move the structure relative to the socket. The alignment means is considered removable because it is capable of being removed (such as when the structure is removed from the socket or by shearing the pin/spring member(s)).

5. Claims 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Shatto, Jr. et al. (US 3788396).

Shatto Jr. et al. discloses a structure mountable in a foundation, the structure includes an end part (see Figure 6), alignment means (151,152, 153), a leading conical tip (158). The alignment means is configured such that adjustment thereof moves the structure relative to the socket. It should be noted that as member (151,152,153) pushes against the guide surface of the socket, the guide surface pushes back and thus move the structure relative to the socket. The alignment means is considered removable because it is capable of being removed (such as when the structure is removed from the socket or by shearing the pin/spring member(s)).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owens '953 in view of Hempel et al. (US 4406094) or Schaloske et al. (US 4222683).

Owens discloses the invention substantially as claimed. However, Owens lacks a structure having a spherical part attached its conical tip. Hempel et al. and Schaloske et al. both teach a structure having a conical tip with a spherical part attached thereto (see Figs. 1, 2). It would have been considered obvious to one of ordinary skill in the art to modify Owens to include a spherical part on its conical tip as taught by either Hempel et al. or Schaloske et al. in order to allow for movement of the structure so as to get the proper orientation.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glidden '931 in view of Hempel et al. (US 4406094) or Schaloske et al. (US 4222683).

Glidden discloses the invention substantially as claimed. However, Glidden lacks a structure having a spherical part attached its conical tip. Hempel et al. and Schaloske et al. both teach a structure having a conical tip with a spherical part attached thereto (see Figs. 1, 2). It would have been considered obvious to one of ordinary skill in the art

to modify Glidden to include a spherical part on its conical tip as taught by either Hempel et al. or Schaloske et al. in order to allow for movement of the structure so as to get the proper orientation.

9. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owens or Glidden in view of Sullaway et al. or Galle or Sutton or Moog (US 4789271, 4869615, 4902169, 6409428).

Owens and Glidden both disclose the invention substantially as claimed. However, they both lack a foundation having a conical shaped base portion. Sullaway et al., Galle, Sutton and Moog all teach a foundation having a conical shaped base portion (see Figs. 2, 9, 9, 2). It would have been considered obvious to one of ordinary skill in the art to modify either Owens or Glidden to include a conical shaped base in their foundation as taught by either Sullaway et al. or Galle or Sutton or Moog in order to guide the conical shaped end of the structure into the proper orientation.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owens or Glidden in view of Sullaway et al. or Galle or Sutton or Moog as applied to claim 10 above, and further in view of Hempel et al. (US 4406094) or Schaloske et al. (US 4222683).

Owens or Glidden (as modified above) discloses the invention substantially as claimed. However, the Owens or Glidden (as above modified) lack a structure having a spherical part attached its conical tip. Hempel et al. and Schaloske et al. both teach a

structure having a conical tip with a spherical part attached thereto (see Figs. 1, 2). It would have been considered obvious to one of ordinary skill in the art to further modify Owens or Glidden (as modified above) to include a spherical part on its conical tip as taught by either Hempel et al. or Schaloske et al. in order to allow for movement of the structure so as to get the proper orientation.

Response to Arguments

11. Applicant's arguments filed 10/17/07 have been fully considered but they are not persuasive. Applicant argues that none of the prior art teaches "adjustable alignment means". The examiner disagrees. Owens discloses alignment means (56, 50, 46). Glidden discloses alignment means (62,63,56). Shatto Jr. et al. discloses alignment means (151,152, 153). With regards to Owens, the alignment means is configured such that adjustment thereof moves the structure relative to the socket. It should be noted that as member (56,50,46) pushes against the guide surface of the socket, the guide surface pushes back and thus move the structure relative to the socket.

With regards to Glidden, the alignment means is configured such that adjustment thereof moves the structure relative to the socket. It should be noted that as member (62,63,56) pushes against the guide surface of the socket, the guide surface pushes back and thus move the structure relative to the socket.

With regards to Shatto Jr. et al, the alignment means is configured such that adjustment thereof moves the structure relative to the socket. It should be noted that as member (151,152,153) pushes against the guide surface of the socket, the guide surface pushes back and thus move the structure relative to the socket.

Applicant's argument that the end part of the structure is located fully in the socket is far more limiting than the claimed subject matter.

Applicant argues that the alignment means of the claimed invention acts on the guiding surface after the end part of the structure has been accommodated in the socket. Whereas the prior art "alignment means" adjust the position of the structure relative to the socket to facilitate entry of the end part into the socket. This is not concurred with. As pointed out in applicant's remarks "Figure 3 of applicant's invention depicts the structure accommodated into the socket". Insofar claim 3 shows this then the Figures of Owens, Glidden and Shatto do the same.

Applicant's argument that his alignment means is active instead of passive is far more limiting than the claimed subject matter.

Applicant's argument that Owens fail to have a desired fixed vertical alignment is far more limiting than the claimed subject matter.

Applicant's argument that Shatto does not teach a positive adjustment of the alignment means is far more limiting than the claimed subject matter.

Applicant argues that Owens and Glidden fail to teach a removable alignment means. The examiner disagrees. With regards to Owens, the alignment means is considered removable because it is capable of being removed (such as when the structure is removed from the socket or by shearing the pin).

With regards to Glidden, the alignment means is considered removable because it is capable of being removed (such as when the structure is removed from the socket or by shearing the pin/spring member(s)).

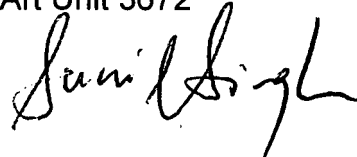
Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sunil Singh
Primary Examiner
Art Unit 3672



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12/22/07